

THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO. 2725 (MS) OF 2001
(Old No. 6006/82)

1. The State of U.P. through Secretary Finance Sachivalaya,
Lucknow.
2. The Director of Treasury, U.P., Jawahar Bhawan,
Lucknow. Petitioners

Versus

1. Jograj Jain, S/o Mitu Ram, R/o 284, Khurbura, District-
Dehradun.
2. U.P. Public Services Tribunal, IV, Lucknow.
.....Respondents.

Hon'ble Rajesh Tandon, J.

Heard counsel for both the parties.

2. By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the order and judgment passed by opposite party no. 2 (Annexure No. 6 to the writ petition).

3. Briefly stated, a claim was filed by the respondent no. 1 Jog Raj Jain under Section 4 of the U.P. Act No. 17 of 1976 claiming before the U.P. Public Services Tribunal, Lucknow a declaration that he is entitled to receive pension from the date of retirement alongwith arrears upto date besides any other relief which the Tribunal thinks fit and proper.

4. The petitioners have filed a written statement denying the claim of the respondent no.1.

5. According to the case of the petitioners, respondent no. 1 was appointed as a Money Tester by the District Magistrate, Dehradun in the Cash Section of the Treasury and was posted in Sadar Tehsil on 04.06.1926.

6. Respondent no. 1 has stated that he was a servant of the Government Treasury and provisions of Article 311(2) of the Constitution of India applied and he is entitled for the said protection.

7. The Claims Tribunal has allowed the claim of the petitioners and directed that Sri Jog Raj Jain is entitled for pension from the date of his retirement along with arrears and further direction was made to pay the entire arrears in accordance with Regulation 361. The same is quoted below:-

“361. The Services of an Officer does not qualify for pension unless it confirms to the following three conditions:-

First : The service must be under Government.

Second; The employment must be substantive and permanent.

Third : The service must be paid by Government”

8. It has come on the record that the claimant was appointed as Money Tester by the District Magistrate, Dehradun on 4th June, 2000 and since then he is working on different posts and retired on attaining the age of 60 years. He was confirmed in the year, 1927 on the post of Money Tester and was getting the salary from the Government Treasury.

9. In view of the aforesaid, writ petition lacks merit and is dismissed. No order as to costs.

(Rajesh Tandon, J.)

22.08.2006

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